



PLANNING AND CONSERVATION LEAGUE



PCL INSIDER: NEWS FROM THE CAPITAL

PCL's California Legislative Summary

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The beginning of the 2018 California Legislative session has been busy as always.

And PCL is engaged in a wide scope of legislation and regulatory policy, ranging from natural and working lands protection, water conservation and access, housing, climate resilience, and the perennial attempts to weaken or improve the California Environmental Quality Act (CEQA). Yet, there is a connecting thread to this seemingly wild mix. As explained at length in [PCL's last California Today newsletter](#), we have been focused on policy that improves land use, housing, and transportation options that will: reduce Vehicle Miles Travelled (VMT) to meet California's GHG reduction goals, conserve our natural resources, protect public health and build equitable, thriving communities. And there has been no shortage of conversations on these topics across all these issue areas.

Stay tuned for more on PCL's strategic perspective that's guiding our 2018 policy engagement, but for now, here's a quick list of the highlights of what we're working on.

Land use and transportation

Perhaps the most talked about and controversial bill of the year thus far is already dead, Senator Scott Wiener's [SB 827](#). In a bold attempt to simultaneously address California's housing crisis and the need to drastically reduce greenhouse gas emissions from transportation, SB 827 proposed a statewide mandate to up-zone all residential land-use zoning within proximity to high-quality transit stops to maximum densities allowed by building code. The conversation that ensued was greatly polarizing and sometimes, unfortunately, ugly.



There is much to talk about on the demise of 827 (and we will talk about it more in PCL's upcoming newsletter), but in short, the bill was going too far too fast, and the author's attempts to accommodate would-be ally's concerns with amendments did not come fast enough. PCL sympathized with the intent of 827, but we also shared the many important concerns raised with the approach. We chose not to take a formal position on the bill, but sought to help get the policy right if it did move forward. Senator Wiener has signaled that he intends to try again, and other legislators, even those that voted it down, have said that they want to continue the conversation. PCL is planning to stay engaged in those conversations.

Another much less talked about bill that raises similar issues is Assembly Member Chiu's [AB 2923](#). This Bay Area-only bill would make it possible for Bay Area Rapid Transit (BART) to have inter-jurisdictional land use authority for BART owned lands in proximity to BART stations. This too has been controversial, but PCL feels that giving a voter-elected regional transportation authority with the range and importance of BART more agency to accelerate equitable housing and transit-oriented development across the region is fundamentally a good idea. We are working with our partner, Public Advocates, and the author to ensure that long-term protections against displacement of low-income communities are addressed, and once addressed, this bill will have PCL's full support.

Another bill we're very interested in, but have not yet taken a formal position on,

is the “NIFTI 2” act, [SB 961](#). This bill builds upon last year’s “NIFTI 1,” the Neighborhood Infill Finance and Transit Improvements Act, [AB 1568](#), which established a unique voluntary “enhanced infrastructure finance district” program for use by jurisdictions to fund affordable infill housing and associated infrastructure. PCL strongly supported, and helped strengthen, AB 1568, and we continue to seek more financing instruments that will support equitable transit-oriented development and low-VMT infill. So stay tuned for more on NIFTI 2.

Other notable proposed bills in land use and transportation are: [SB 936](#) Requiring Office of Planning and Research to set up a task force to make recommendations to ensure autonomous vehicles further state goals, [AB 1945](#) which proposes an investment plan to support more equitable and effective SB 375 Sustainable Community Strategy implementation, and [AB 2434](#) which would permanently establish a “Health in All Policies” Program for the Strategic Growth Council. A bill that has stalled this year, but will likely come back next year, [AB 3059](#), proposes pilot projects to study road congestion pricing strategies. These are all important and complex conversations PCL continues to engage in this year.

Housing

Displacement of low-income communities is not just an equity issue; it’s an environmental issue that undercuts our ability to meet our climate goals. In addition to the “land use and transportation” bills highlighted above, there are a number of important bills that speak to where and how we provide for equitable, inclusionary housing.

PCL supports [AB 686](#) which would require public agencies to administer its programs and activities relating to housing and community development in a manner to “affirmatively further fair housing” in ways that have historically not been adequately enforced. And there are two similar proposals, [SB 828](#) and [AB1771](#), to reform the Regional Housing Needs Allocation (RHNA), applying a more data-driven methodology to eliminate segregation and better align housing with our climate goals and regional Sustainable Communities Strategies. PCL does not yet have positions on these latter two bills, but, again, intends to be involved in this conversation with our housing advocate partners moving forward.

CEQA

Every year there are attempts to weaken or reform CEQA, but there is a growing anti-CEQA narrative in the capitol claiming that CEQA is the source of our housing crisis, which is deeply concerning to PCL and our [“CEQA Works”](#) partners. While PCL is interested in identifying smart CEQA



reforms that would make the review process more efficient and effective in incenting the right things in the right places — low VMT, equitable infill, we also continue to defend against these unwarranted attacks, as PCL has done for decades. This anti-CEQA narrative is not only growing in the legislature, but also in opposition to the CA Air Resources Board’s recently adopted [“Scoping Plan”](#) for GHG reduction and SB 375 GHG reduction targets, and the new [CEQA Guideline Update](#) currently in an official rulemaking process at the Natural Resources Agency. We will have more to say on the CEQA debate in the upcoming PCL newsletter, but here, for now, are some of the specific bills we’ve been dealing with. Fortunately, most of the troubling CEQA bills this year are already dead.

PCL helped oppose [AB 2856](#), [SB 1340](#), [SB 1341](#), and [AB 2279](#), all essentially the same bill, that would have prohibited injunctions on any approved housing project. We also opposed [AB 3027](#) a very problematic limitation on who can receive attorney's fees in a CEQA action. [SB 1052](#) would have required disclosure of any contributor of \$100 or more to a CEQA plaintiff, and [AB 3099](#) would have reduced the statute of limitations for CEQA actions. All of these bills have failed or stalled in the first house.

On the positive side, PCL is working with our partners at Leadership Council for Justice and Accountability on [AB 2447](#), which would enhance notice, scoping, and findings provisions for land uses known to have hazardous impacts when sited in or near disadvantaged communities. This is a worthwhile strengthening of CEQA, the only challenge is how to make the process as efficient as possible so jurisdictions won’t oppose it as an added burden. 2447 has passed its first two committees, but will likely still face challenges.

Fire, water, and climate resilience

In the wake of some of the most devastating fires in California history, there are also a host of important fire, flood, and climate resiliency planning bills that PCL

is tracking this year. A few notables include [SB-1035](#), [AB-2528](#), and [SB 1015](#). We are also looking into [AB 2896](#) which some of our partners are concerned is decidedly the wrong approach to fire prevention.

And there some very important bills on water conservation and access. Two important linked bills, [SB 606](#) and [AB1668](#), are likely up for a final vote this week. These bills propose important reforms to water efficiency and drought planning standards. They have also been significantly amended from their original form and views about the efficacy of the final language vary greatly. PCL is supporting [SB 1215](#) and [AB 2501](#) which consolidate and extend water supply and wastewater services to disadvantaged communities lacking adequate service. Additionally PCL continues our avid support of [SB-623](#) that would establish a Safe and Affordable Drinking Water Fund to increase access to a healthy water supply in the many communities of California that still lack that access. Finally, we are also supporting [AB 2975](#) which would have any federally designated “Wild & Scenic” river protected as a Wild & Scenic river under CA law if that federal designation were to be removed. Despite being a valuable and very reasonable idea, the bill is facing challenges and needs your support.

There is more going on than can be encapsulated in this one article, but in brief, PCL is working every day in the capitol, as it has for 50 years, for the protection of our natural and working lands and waters, and the building of healthy equitable communities. There are many challenges ahead, but many opportunities as well. Stay tuned!

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